IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 12585 of 1994

Between:

N.V.Chalapathi Rao, S/o. N.V.Panthulu,
Hindu, Aged 46 years, Private Secretary, Electrical Department, M.D.C.,
Masab Tank, Hyderabad.

..... PETITIONER

AND

1. National Mineral Development Corporation Limited, represented by its Chairman and Managing Director,
   Masab Tank, Hyderabad.

2. General Manager (P&IR), N.M.D.C.Limited,
   10-3-311/A, Castle Hills, Masab Tank,
   Hyderabad-28.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a writ in the nature of Mandamus declaring the action of the respondents in excluding the name of the Petitioner in the list of eligible candidates for the post of Junior Manager (Personnel) is arbitrary, illegal and consequently to order consideration of his case for promotion by including his name with all consequential and attendant benefits.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: MR.S.VENKATA REDDY

The Court made the following:

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ORDER:

1. The writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in excluding the name of the petitioner in the list of eligible candidates for the post of Junior Manager (Personnel) and for consequential direction.

2. It is the case of the petitioner that he was entitled for promotion to the post of Junior Manager (Personnel) on the basis of his seniority in the cadre of A.P.O. Since his name was not included in the list of candidates for interview, he approached this Court at that point of time. But, however, the scenario has now been changed substantially.

3. Learned counsel for the respondents submits that the petitioner was promoted as Junior Manager (Personnel) in 1996 and thereafter, he changed his department and opted to go to Vigilance Department and accordingly, he was transferred to Vigilance Department and was further promoted as Business Manager. In view of the same, cause of action does not survive. Hence, he submits that the writ petition may be dismissed.

4. I have considered the respective contentions. In view of the fact that the petitioner has already changed his department from Personnel to Vigilance and since he is working as Business Manager, the question of considering his case for promotion as Junior Manager (Personnel) does not arise. Moreover, he was already promoted as Junior Manager in 1996.

5. Under these circumstances, no cause of action survives and accordingly, the writ petition is dismissed as having become

infructuous. No costs.

(G. BIKSHAPATHY, J)

Date:03-09-2004

ghn

To

1. National Mineral Development Corporation Limited, represented by its,
Masab Tank, Hyderabad.

2. General Manager (P&IR), N.M.D.C.Limited,
10-3-311/A, Castle Hills, Masab Tank,
Hyderabad-28.

3 Two CD copies.